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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAVIER ALCALA,  
Plaintiff,  
v.  
MONSANTO COMPANY,  
Defendant.

No. C 08-4828 PJH

**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION**

The court granted summary judgment in defendant's favor, and entered judgment in this action, on April 26, 2010. On May 20, 2010, plaintiff filed a notice of appeal of the action, and in connection therewith, also filed a further application to proceed in forma pauperis.

Plaintiff's application to proceed in forma pauperis, in connection with his filed notice of appeal is DENIED. Plaintiff's affidavit, which lists plaintiff's receipt of gross monthly income in the amount of \$3,384.84, and plaintiff's ownership of both a home and financed automobile, fails to establish that plaintiff is unable to pay for the fees associated with the filing of his appeal, per 28 U.S.C. § 1915.

**IT IS SO ORDERED.**

Dated: May 28, 2010



PHYLLIS J. HAMILTON  
United States District Judge